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Federal Court Halts Oil and Gas Activities Under Chukchi Sea Lease Sale

Need for further analysis of missing information tops reasons for halt

Juneau, AK – A federal court Wednesday afternoon ordered all activities under Lease Sale 193 in the Chukchi Sea off the north coast of Alaska halted pending further environmental review by the Bureau of Ocean Energy Management, Enforcement, and Regulation, formerly the Minerals Management Service.

The court determined that the agency failed to meet its obligation under the law to analyze the importance of missing basic scientific information about the Chukchi Sea and verify whether it could obtain the information prior to offering leases in the sea. The court also faulted the agency for failing to analyze the potential impacts of possible natural gas development from the lease sale. In light of today's decision, Secretary Salazar should fundamentally reexamine the decision to offer leases in the Chukchi Sea.

Earthjustice represented the Native Village of Point Hope, City of Point Hope, Inupiat Community of the Arctic Slope, Alaska Wilderness League, Center for Biological Diversity, Defenders of Wildlife, National Audubon Society, Natural Resources Defense Council, Northern Alaska Environmental Center, Oceana, Pacific Environment, Resisting Environmental Destruction on Indigenous Lands (REDOIL), Sierra Club, The Wilderness Society and World Wildlife Fund in a challenge to the lease sale in federal court in 2008.

The Minerals Management Service approved oil and gas drilling leases in the heart of the Chukchi Sea without adequately analyzing the potential impacts of the sale. The court's decision shines a spotlight on the need for adequate scientific data before opening sensitive areas of the ocean to risky oil and gas activities. The danger of committing our ocean to risky oil and gas activities without full environmental review is highlighted by the ongoing tragedy in the Gulf of Mexico.

The Chukchi Sea is home to sensitive populations of endangered polar bears, bowhead whales, and spectacled and Steller's eiders, among many other species of fish and wildlife. The bounty of the Chukchi Sea is at the heart of the subsistence culture practiced by native Inupiat communities.

Despite the significance and sensitivity of the Arctic Ocean, there is a profound lack of basic knowledge about the sea and the wildlife that inhabits it. Data gaps exist on whale migrations and feeding habits.

There is no reliable population estimate for species of walrus or seals. No population estimates for polar bears are available for the Chukchi Sea. Global climate changes are wreaking havoc on sea ice, upon which many species depend for survival. An oil spill on any scale in this sensitive and often harsh climate would have devastating impacts. No technology exists to clean up an oil spill in these Arctic waters.

Reactions on today's decision

“This is an important decision directing the Secretary to consider the need for more information on the Chukchi Sea. We have long argued that more science, more data and more research is needed in the sensitive waters of the Arctic Ocean before oil and gas lease sales or drilling are allowed occur,” said Erik Grafe, an attorney at Earthjustice. “Federal agencies have a basic obligation under the law to fully assess missing information about potential impacts of their actions, and to obtain it if they can, before they act. In this case, the court decided that the Minerals Management Service did not meet its obligation before it issued oil and gas leases in the Chukchi Sea.”

“We are pleased with this decision. We hope Secretary Salazar will use this chance to fundamentally reconsider oil and gas leasing in the Chukchi Sea, our ocean and our garden. We hope the Secretary sees where we are coming from and honors his commitment to support tribes and our efforts to carry on the subsistence traditions of our elders. There is too much at stake to take shortcuts,” said Caroline Cannon, President of the Native Village of Point Hope.

“The past few months have taught us all a painful lesson about the risks of offshore drilling. An oil spill in the Arctic's broken sea ice would be impossible to respond to. A spill would be the nail in the coffin for Arctic communities and wildlife like polar bears, which are already struggling to survive. And where there is offshore drilling, there are oil spills. This lease sale never should have happened. It was the product of the same broken system that led to poor oversight of BP's drilling operations,” said Sierra Club executive director Michael Brune.

“This is a victory for both the Arctic environment and for the communities of Alaska's North Slope. As it has been repeatedly demonstrated, and now reinforced by the BP tragedy in the Gulf, the Department of the Interior and the former Minerals Management Service has failed more often than not at providing the necessary oversight for decisions related to offshore oil and gas development,” said Carole Holley, Alaska Program Co-Director at Pacific Environment. “We are hopeful that the federal government will reconsider Chukchi Lease Sale 193, given the irreversible impacts associated with oil and gas activities in one of the most sensitive regions of the world.”

“The legal foundation for drilling in the fragile Chukchi Sea has crumbled at Secretary Salazar's feet. With one coast of our country already irrevocably scarred by oil, it is time for the Obama administration to break with the bad decisions of the past and take drilling in the Arctic off the table permanently,” said Rebecca Noblin, Alaska director for the Center for Biological Diversity.

“The Arctic Ocean is one of the most productive but least understood biological regions in the world. This decision supports the widely recognized need for sound baseline science before moving forward with risky development in a sensitive region,” said Beth Peluso of Audubon Alaska.

“Today’s decision proves that the entire program for oil and gas development in the Arctic Ocean is completely flawed and that Lease Sale 193 must be canceled,” said Betsy Beardsley, Environmental Justice Program Director for Alaska Wilderness League. “As the people who have survived off the bounty of those Arctic waters for thousands of years have said from the beginning, the federal government has failed us by allowing risky plans for drilling to proceed. Now that this court and others have agreed, Interior Secretary Ken Salazar must now take the time to gather crucial information about this unique, fragile marine environment and ensure that the Arctic of the future remains a pristine, abundant place.”

“This decision halting new drilling in Alaska's Chukchi Sea represents a great opportunity for the Obama Administration to take a new look at the risks of offshore drilling to our oceans, our coasts, and marine wildlife,” said Jamie Rappaport Clark, Executive Vice President of Defenders of Wildlife. “The Deepwater Horizon disaster in the Gulf has demonstrated clearly just how risky offshore oil drilling can be, and the risks in the remote and wild Arctic Ocean are simply too great to take.”

“We have had to go to court to force a conversation about the Arctic, the lack of baseline science, and response and rescue capabilities,” said Michael LeVine, Pacific Senior Counsel for Oceana. “Hopefully, now communities and others will have a seat at the table when these decisions are made about the Chukchi Sea.”